IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.166 OF 2006

Shri Jayant Dhodapkar ...Appellant
Vs.
The Executive Director & Anr. ...Respondents

Mr Hardas i/by Mr P.N.Josi for the Appellant.
None for the Respondent.

CORAM : A. S. OKA, J.
DATE : MARCH 07, 2006.

P.C.:

1. The Second Appeal is by unsuccessful plaintiff. The challenge is to allotment of Plot No.52 by the Respondents in favour of a third party pursuant to bids invited from members of public.

2. The learned Advocate appearing for the Appellants submitted that in so far as Plot No.52 is concerned, the amount offered by the Appellant was the highest. However, the Respondents have allotted Plot No.52 to a person who has offered an amount which less than the amount offered by the Appellant in respect of Plot No.52. His submission is that the Appellant was the highest bidder in respect of Plot No.52 and by allotting Plot No.52 to another party at a lesser amount, the Respondents have suffered monitory loss. The prayer made in the suit is for grant of allotment of Plot No.52.

3. The prayer made by the Appellant could not have been considered by the Courts below for the

simple reason that allottee of the Plot No.52 has not been made party to the suit. Apart from this fact the Courts below have considered the merits of the case of the Appellant. As per the notice issued by the Respondents, parties were directed to give their options for purchasing four plots, namely, Plot No.49, 50, 51 and 52 in order of preference. As bid offered by the Appellant for Plot No.50 was found to be highest, the Respondents allotted Plot No.50 to the Appellant in view of the preference given by the Appellant. The Appellant had given first preference to plot No.49 and second preference to Plot No.50. He had given forth preference to Plot No.52. When his bid for Plot No.50 was found to be highest, he was alloted Plot No.50. Therefore, while considering the allotment of Plot No.52, the case of the Appellant was not considered as he was already allotted Plot No.50 being the highest bidder for Plot No.50.

4. No substantial question of law arises. The Second Appeal is dismissed. No orders as to costs.

JUDGE